

R E M A R K S

The drawings stand objected to as allegedly failing to comply with 37 C.F.R. § 1.84(p)(5). To address this objection, the physical link 17, discussed in the last paragraph on page 5 of the detailed description, which communicates between each of the radio data transmitter 18 and walkie-talkie 19 and the control unit 1, has been added to the drawings. Since this structure was clearly described in the Detailed Description and recited in now cancelled claim 6, the addition to the drawings does not constitute new matter.

Additionally, the drawing has been amended to identify the schematically shown elements with their appropriate designation, as well as the reference numeral, for clarity.

Approval of the drawing changes, as well as a clarifying language added to the Detailed Description on page 5, is requested.

Claims 2-6 are currently pending in the application. Claim 6 is hereby cancelled. New claims 7-11 are presented for consideration.

Claim 3 stands rejected under 35 U.S.C. § 112 because of an alleged antecedent basis problem. Claim 3 depends from new claim 7, which provides clear support for the claim 3 language. Accordingly, withdrawal of this rejection is requested.

As previously presented, the claims stand rejected under 35 U.S.C. § 103 as obvious over U.S. Patent No. 6,894,610, to Schubert et al. (Schubert).

Claim 7 recites a warning system for people working in hazardous conditions. The warning system comprises a control unit with a motion detector, an alarm transmitter and a display. The warning system further comprises a receiver and a memory for recording

incidents integrated into the control unit. The control unit is configured to operate selectively as: a) a standalone base warning unit; b) via a radio connection with at least one of: i) a radio pressure gauge for a compressed air breathing apparatus; ii) a vital function radio monitor; and iii) a radio measuring device for detecting gas and temperature condition; or c) via a physical link connection with at least one of i) a radio data transmitter; and ii) a walkie-talkie.

Schubert is commonly assigned with this application and relates to a structure that is significantly different than what is recited in new claim 7.

Schubert communicates via a bus enclosed within the clothing of a user. Schubert does not teach or make obvious a direct radio connection between a control unit and other devices such as a measuring device and compressed-air breathing apparatus.

The use of radio communication between components allows for the elimination of hard wire connection that may interfere with a user performing under hazardous conditions. Additionally, the clothing typically worn in such operations and/or objects encountered in performing under these conditions may cause failure of a hard wired connection that could dangerously interrupt the operation of the components associated with the control unit.

Additionally, Schubert does not disclose a memory for recording incidents for a vital function radio monitor, as set forth in claim 7.

Standing alone, Schubert does not provide any teaching or motivation for incorporating either of these components, which would result only from applicant's own disclosure using a hindsight reconstruction.

Claim 7 also sets forth alternative radio and physical link connection capabilities for components that are not taught in or made obvious from Schubert.

Accordingly, claim 7 is believed allowable.

Claim 8 positively recites that the control unit is configured to operate via a radio connection with each of a radio pressure gauge for a compressed air breathing apparatus, a vital function radio monitor, and a radio measuring device for detecting gas and temperature conditions. Since Schubert does not disclose a corresponding radio connection, the requirement for radio connection to three separate devices more clearly distinguishes over Schubert.

Claim 9 depends from 7 and requires the physical link connection with each of a radio data transmitter and a walkie-talkie.

Claim 10 corresponds to claim 9 with dependency on claim 8 to incorporate the radio and link connection capabilities with all components.

Claim 11 corresponds to claim 7, with the absence of a requirement of the ability to incorporate a physical link connection between the control unit and a radio data transmitter or walkie-talkie.

As noted above, Schubert does not teach or make obvious a corresponding radio connection capability between components.

Claims 2-5 each depends from claim 7 and recites further significant limitations to further distinguish over Schubert.

Response to Office Action Dated February 20, 2008
Date of Mailing: May 20, 2008
Serial No. 10/550,467

Reconsideration of the rejection of claims 2-5, favorable consideration of new claim
7-11, and allowance of the case are requested.

Respectfully submitted,

By


John S. Mortimer, Reg. No. 30,407

WOOD, PHILLIPS, KATZ,
CLARK & MORTIMER
500 W. Madison St., Suite 3800
Chicago, IL 60661
(312) 876-1800

Date: May 20, 2008